

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** May 21, 1946. Lineboro Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

**11049. Misbranding of canned peas. U. S. v. 543 Cases \* \* \*. (F. D. C. No. 19686. Sample No. 8989-H.)**

**LIBEL FILED:** April 19, 1946, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 19, 1945, by Stokely-Van Camp, Inc., from Brandon, Wis.

**PRODUCT:** 543 cases, each containing 24 1-pound, 4-ounce cans, of peas at Scranton, Pa.

**LABEL, IN PART:** "Our Favorite Brand Early June Peas \* \* \* Distributed by Fame Canning Company, Inc. \* \* \* Indianapolis, Ind."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard.

**DISPOSITION:** May 16, 1946. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**11050. Misbranding of canned peas. U. S. v. 337 Cases \* \* \*. (F. D. C. No. 19557. Sample No. 50686-H.)**

**LIBEL FILED:** March 26, 1946, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 7, 1945, by the Owen Canning Corp., from Owen, Wis.

**PRODUCT:** 337 cases, each containing 24 1-pound, 4-ounce cans, of peas at Burlington, Iowa.

**LABEL, IN PART:** "Cloverbelt Wisconsin Brand Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below standard.

**DISPOSITION:** May 31, 1946. The Owen Canning Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**11051. Adulteration of canned black eyed peas. U. S. v. 600 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 19345, 19586. Sample Nos. 47140-H, 47534-H.)**

**LIBELS FILED:** March 19 and April 5, 1946, District of Colorado.

**ALLEGED SHIPMENT:** On or about February 14 and 16, 1946, by the Norfolk Packing Co., from Plattsmouth, Nebr.

**PRODUCT:** 786 cases, each containing 24 1-pound, 4-ounce cans, of black eyed peas at Denver, Colo.

**LABEL IN PART:** "Finest Brand Black Eyed Peas."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), stones had been substituted in whole or in part for black eyed peas; and, Section 402 (b) (4), stones had been packed with the article so as to reduce its quality.

**DISPOSITION:** July 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions. The officials of the institutions were informed of the nature of the adulteration and were warned to carefully examine the product.

**11052. Adulteration of sweet relish. U. S. v. 40 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 19650, 19651. Sample Nos. 66806-H, 66810-H.)**

**LIBELS FILED:** May 1, 1946, District of Nebraska.

**ALLEGED SHIPMENT:** On or about February 7 and 22, 1946, by the Western Food Products Co., from Hutchinson, Kans.

**PRODUCT:** 63 cases, each containing 24 12-ounce jars, of sweet relish at Grand Island, Nebr.

**LABEL, IN PART:** "Western Maid Sweet Relish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

**DISPOSITION:** August 14, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**11053. Adulteration and misbranding of sauerkraut. U. S. v. 174 Cases \* \* \* (F. D. C. No. 19659. Sample No. 58283-H.)**

**LIBEL FILED:** April 24, 1946, District of Montana.

**ALLEGED SHIPMENT:** On or about December 27, 1945, by the Oelerich and Berry Co., from Chicago, Ill.

**PRODUCT:** 174 cases, each containing 12 1-quart jars, of sauerkraut at Missoula, Mont. Examination showed that the article was short-volume. The jars contained an average of 18.4 ounces of drained sauerkraut instead of the minimum of 25 ounces that such size jars should contain.

**LABEL, IN PART:** "Chipico Home Style Sauerkraut Contents 1 Quart."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars appeared to contain more sauerkraut than they actually contained; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** August 20, 1946. The Chicago Pickle Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

**11054. Adulteration and misbranding of sauerkraut. U. S. v. 15 Cases \* \* \* (F. D. C. No. 19652. Sample No. 59229-H.)**

**LIBEL FILED:** April 24, 1946, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about March 21, 1946, by the Kay Sales Co., from Portland, Oreg.

**PRODUCT:** 15 cases, each containing 12 jars, of sauerkraut at Dishman, Wash. Examination showed that the product was short-volume. The jars were of a size that should contain a minimum of 25 ounces avoirdupois of drained kraut, but they contained an average of only 22.15 ounces.

**LABEL, IN PART:** "Yeagers Home Stile Kraut One Quart Fred Yeager Portland, Ore."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for kraut, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars appeared to contain more sauerkraut than they actually contained; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** May 24, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the United States marshal dispose of the product in compliance with the law.

**11055. Adulteration of canned turnip greens. U. S. v. 96 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 19400, 19435, 19892, 19893. Sample Nos. 1252-H, 1345-H, 1352-H, 1384-H, 1385-H.)**

**LIBELS FILED:** Between March 26 and May 13, 1946, Southern District of Florida and Northern District of Florida.

**ALLEGED SHIPMENT:** Between the approximate dates of November 8 and December 4, 1945, by the White Packing Co., from Vienna, Ga.

**PRODUCT:** Turnip greens. 1,254 cases at Jacksonville and 96 cases at Quincy, Fla., each case containing 24 1-pound, 3-ounce cans, of turnip greens. Examination showed that the product was undergoing bacterial decomposition.

**LABEL, IN PART:** "Georgia Brand [or "Sunny South Brand"] Turnip Greens."